

BILL ANALYSIS

C.S.H.B. 492
By: Wu
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the issuance of arrest warrants and search warrants that authorize the use of a no-knock entry in which a peace officer enters a building without first giving notice of the officer's authority or purpose before entering. It has been suggested that these no-knock warrants directly conflict with stand your ground laws and the Texan philosophy that homeowners have a right to defend their property against intrusion. C.S.H.B. 492 seeks to address these concerns by prohibiting the issuance of these warrants except under limited circumstances.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 492 amends the Code of Criminal Procedure to prohibit a magistrate from issuing an arrest warrant or search warrant that authorizes a no-knock entry. However, the bill authorizes a district court judge to issue either warrant if the requisite complaint or affidavit, as applicable, is submitted concurrently with a statement approving the use of a no-knock entry that is signed by the chief administrator of the law enforcement agency employing the affiant. The bill defines "no-knock entry" as a peace officer's entry, for the purpose of executing a warrant, into a building or other place without giving notice of the officer's authority or purpose before entering.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 492 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes exceptions, which were not in the original, to the prohibition against the issuance of no-knock warrants for a district court judge who receives an applicable complaint or affidavit with a statement approving the use of the no-knock entry that is signed by the chief administrator of the law enforcement agency employing the affiant.